

L Number	Hits	Search Text	DB	Time stamp
1	1	(cost adj measurement) and client and servers and (load adj balance\$4)	USPAT	2004/07/06 18:45
-	1064	709/223.ccls.	USPAT	2003/04/24 16:03
-	314	709/223.ccls. and client adj server	USPAT	2003/04/24 16:38
-	0	709/223.ccls. and (client adj server same (redirector adj server) same (latancy or performance))	USPAT	2003/04/24 16:04
-	1064	709/223.ccls. or (client adj server same (redirector adj server) same (latancy or performance))	USPAT	2003/04/24 16:04
-	0	709/223.ccls. and (client adj server same (redirector adj server) same (latancy or performance))	USPAT	2003/04/24 16:04
-	0	709/223.ccls. and client adj server same (redirector adj server) same (latancy or performance)	USPAT	2003/04/24 16:05
-	0	709/223.ccls. and client adj server same redirector same (latancy or performance)	USPAT	2003/04/24 16:05
-	0	709/223.ccls. and (client adj server) same redirector same (latancy or performance)	USPAT	2003/04/24 16:05
-	0	709/223.ccls. and client adj server with (redirector adj server)	USPAT	2003/04/24 16:06
-	0	709/223.ccls. and client adj server and (redirector adj server)	USPAT	2003/04/24 16:06
-	1	709/223.ccls. and client adj server same redirector	USPAT	2003/04/24 16:08
-	1	709/223.ccls. and client adj server same (best adj2 server)	USPAT	2003/04/25 13:56
-	3	709/223.ccls. and client adj server and redirector and latency	USPAT	2003/04/24 16:32
-	1	("6006264").PN.	USPAT	2003/04/24 16:30
-	2	709/223.ccls. and client adj server same time\$3 same convert\$3	USPAT	2003/04/24 16:39
-	5164	circle same radius same distance	USPAT	2003/04/30 09:46
-	0	circle same radius same distance same network same server	USPAT	2003/04/30 09:47
-	28	circle same radius same distance same network	USPAT	2003/04/30 10:50
-	0	circle same radius same distance same network same server	USPAT	2003/04/30 09:47
-	38	circle same radius same distance same network	USPAT	2003/04/30 09:47
-	13	circle same radius same distance same network same time	USPAT	2004/07/06 17:13
-	1	("6006264").PN.	USPAT	2003/04/30 10:50
-	0	circle same radii same distance same network same (cost adj measurement)	USPAT	2004/07/06 17:14
-	0	circle same radii and distance same network same (cost adj measurement)	USPAT	2004/07/06 17:14
-	0	circle same radii same distance same network and (cost adj measurement)	USPAT	2004/07/06 17:15
-	5	circle same radii and (cost adj measurement)	USPAT	2004/07/06 17:15
-	0	circle same radii and (cost adj measurement) and network and (load adj balance\$4)	USPAT	2004/07/06 17:15
-	2	(cost adj measurement) and network and (load adj balance\$4)	USPAT	2004/07/06 17:15
-	2	(cost adj measurement) and network and (load adj balance\$4)	USPAT	2004/07/06 18:45
-	1	circle same radii and (cost adj measurement) and network	USPAT	2004/07/06 17:19

34.

**Advisory Action**

Application No.

10/024,818

Applicant(s)

FROEHLER ET AL.

Examiner

Jeffrey Fredman

Art Unit

1637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 139-156.

Claim(s) withdrawn from consideration: 128 and 131-134.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

Jeffrey Fredman  
Primary Examiner  
Art Unit: 1637

Continuation of 2. NOTE: The amendment will not be entered because there is no basis for C2-12 cited in the response and no basis was found in the specification. This appears to represent new matter which would require further consideration and search..

Continuation of 3. Applicant's reply has overcome the following rejection(s): While Harambilidis teaches the compound of claims 145-156, Applicant correctly notes that the compound of Harambilidis does not meet the requirements of claims 139-144. Therefore, the rejection over Harambilidis of these claims is withdrawn. These claims remain rejected under Froehler, however.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the Froehler patent is overcome by the petition to correct priority. Since the petition has not yet been decided and since the previous petition decision was adverse, this rejection is maintained until such time as there is a petition decision in favor of the Applicant which permits proper claiming of priority. Applicant also argues that Harambilidis contains groups outside the scope of the R2 group of the claims. Further, the breadth of definition in the specification supports an interpretation which permits Harambilidis to read as prior art, particularly the discussion of pages 16-18. Finally, since the claim amendment was not entered, the arguments are not directed entirely to the invention as claimed